

MR TATE: Yes. I don't - as I say, I don't have a problem, but I just wanted to foreshadow so that there wouldn't be any misunderstandings when we have him on the telephone that in my submission at least, he should be able.....

CORONER: Well, I can accept opinions for what they are from various people depending on their qualifications.

MR TATE: Yes, indeed.

CORONER: Yes. Okay.

MR ZILLMAN: I didn't quite follow that.

CORONER: Well.....

MR ZILLMAN: As I understand it [indistinct] give evidence that he disagrees with a factual manner.

CORONER: Yes.

MR ZILLMAN: But it's really irrelevant whether he believes what someone has said.

CORONER: Well, yes, but if - if a person has experience and gets a set of facts put to them as a proposition he can draw a conclusion - he can [indistinct] his own opinion as to whether he believes it to be practical or culpable consequence.

MR ZILLMAN: [Indistinct] the fact given his experience without any shadow of doubt.

**DOUGLAS EDWARD MILSAP**, SWORN AND EXAMINED VIA TELEPHONE LINK:

MR TATE: Thank you, your Honour. Doctor, good evening or good very early morning to you, I understand it is over there?.. And to you, sir.

My name is John Tate and as the Coroner has said I'm counsel or the trial Attorney from - in American terms, assisting the Court. As you know this is a Coronial Inquest being conducted in Townsville and its purpose is, insofar as we're able to do so, to try and understand the nature and cause of the events that occurred on the 22nd of October 2003 and in a sense what we're trying to do is understand, and appreciate Tina's last story. We asked a number of witnesses to come and give evidence in a sense almost to ask - to borrow your eyes and ears so that we can get an understanding from the people who were actually there. I hope that all makes sense to you?.. Absolutely.

If at any stage you can't hear me or I break up will you let me know and I'll re-ask the question. Doctor, the - the first thing that we do with all of our witnesses is that we ask that they introduce themselves to the Court, perhaps in the same way that the Court is introducing ourselves to you. So, could I ask you first please for your full name?•• Douglas Edward Milsap.

And I think by profession you are a dentist?•• Correct.

Just so that we're clear what are your qualifications and experience?•• I'm a general dentist, I have been in practice for 31 years.

Thank you. And your current address?•• My current home address is 7260 Briar Cliff Road, Port Myers, Florida, zip code 33912.

Now, I'm rather hoping, Doctor, that you have a copy of your statements with you?•• I do.

Wonderful. Now, if I could take you to your first statement, the one that is dated the 22nd of October 2003. Do you have a copy of that one with you?•• I do.

Now, are there any changes that you'd like to make to that statement, any additions, deletions, alterations?•• At this time, no.

It's true and correct to the best of your knowledge and belief?•• I have re-read this several times including, within the last hour and although the - this first affidavit does not include all the facts of which I am aware, some of which are in the addendum I find nothing in this statement which is untrue.

Thank you. Then, I think you also attended police in America and provided an addendum statement or a second statement on the 21st of April 2007?•• I have.

And you have a copy of that with you as well?•• I do.

Are there any changes that you'd like to make to that statement, any additions, deletions, alterations?•• Well, there is one small detail.

Yes, thank you?•• You have me not aging over a period of three years.

That's probably because of your fitness and continued swimming and scuba diving?•• Maybe, but on this - on the second statement my age is still listed at 53 and at this point in time it would have been 57.

Thank you. And with your agreement we'll change 53 to 57?•• Fine.

Are there any other changes?•• Again I have - I have read this thoroughly several times, again within the last hour or so and I find nothing on here that is incorrect.

Right, thank you. Now, if I can take you to your first statement. It looks as if, on my reading of it, that you've been actively scuba diving for the last 30 years as of October 2003, paragraph 4?•• If - if the math works I got my first certification in 1972 so if that's the correct amount, yeah, I agree.

All right. And, I think, as at October 2003 you'd climbed to the certification of dive master?•• Correct.

And you had a rescue dive certification as well?•• Required prior to the dive

masters.

What organisation did you do your rescue diver's certificate with and your dive master's certificate with?•• All of those were with PADI association.

All right, thank you. Now, you tell us in your statement that you were quite satisfied with the safety inductions that were given prior to the dive on the Yongala on the 22nd of October 2003?•• Quite.

Would you - how would you describe the induction, was it thorough, not thorough, adequate, best you've ever done, could do with improvement. What words would you use to describe it?•• You wish my own words or you wish me to use one of your choices?

No, I'd like you to use your own words, I was just giving illustrations?•• As - as - as noted in - somewhere in this it was one - it was probably the most thorough and detailed dive briefing that I have ever experienced.

And I think you'd met Gabe and Tina before the dive briefing on the morning?•• Briefly.

Are you able to recall whether they were there during the course of that briefing?•• Yes, the - the crew made absolutely certain that before they did that, that they presented it, that everyone on board was present although I don't - I don't have it written in here, I can say with almost certainly that they conducted a roll call prior to starting it to make sure that everyone was there and made sure that everyone on board heard the entire briefing.

Was there any discussion during that induction or that address to the divers offering orientation dives?•• Yes, Sir. Orientation dives were offered. I'm trying to look in my statement, but I believe that they were offered at least on two separate occasions. I would have to refer to my - to my statement for that, but I know absolutely that they were - I would have to refer to my statement because it's been so long.

Please do, it's - it's not meant to be a memory test?•• Okay. Well, I know that - I know that they were absolutely a guided dive to anyone who wished one.

And I think at that stage, you tell us in your statement, you'd had somewhere around 350 logged dives?•• Correct.

Now, did you overheard at any time any of the crew offering Tina and Gabe separately - separate to the group in other words an orientation dive?•• I did not personally hear that.

All right. Now, I think the next event of significance is that you, and I think your wife, together with also Paula and Kenneth and one other diver went for a morning dive?•• Correct.

Now, were the currents discussed in the dive briefing?•• Yes.

What was said about the currents?•• Repeat that please?

What was said by Mr Singleton, the trip master, about the currents?•• They told us that the currents were moderate to strong, they had put a diver in the water either it - I believe to check the mooring - security of the mooring or the anchorage or however the boat was secured and so that the crew had had a diver in the water previously that morning and that he attested to both the temperate

and - of the water and to the visibility of the water and to the strength of the current.

When you and your party entered the water did you find that the current and the conditions had been well prophesised in the dive briefing?•• Yes.

Can you tell us about that dive? What - what happened for you and that group?•• We were put in a rubber inflatable. We were carried to the entry point which was near to the bow of the boat. As exactly as drawn in the briefing there was a buoy that was connected to a chain that went from the surface of the water to the floor of the ocean at approximately 100 feet in depth. At approximately 60 feet down this line it was -

down this chain there was either a line or a chain attached to the down line that connected directly to the bow of the Yongala. We were instructed and - and followed instructions and dropped in the water slightly up-current of the buoy, dropped down to about 15 feet, grabbed onto the chain, followed it down to the connection line, followed that line to

the Yongala. At that point in time we were technically on our dive in the wreck. We found that the current was as strong as indicated and for a short time found it a little bit perplexing but not unmanageable. We - after we took a few moments to get our orientation, we drifted with the current slowly along the wreck until we saw the stern of the wreck approach. It was very visible at that point in time. It was obvious that there was - that this was the end of the wreck and the end of the dive. At the other end, there was a - a - an identical tag line leading from the wreck to a similar buoy and anchorage like chain, to which we very carefully, to keep from being blown out into the open ocean, we - we held onto the - the tag line to the up lock - to the up chain. We made a very slow and controlled ascent to the prescribed 30 feet where we did a hang for two minutes, as - as requested by the dive crew. At that time, we ascended slowly to 15 feet, where we spent a five minute duration hanging onto the - onto the chain. We again were somewhat happy and thrilled with the dive and it was somewhat exhilarating to be hanging onto the - the line and being in the current at that point. We made - from 15 feet, we made a slow ascent to the surface and using a line that was from the surface buoy connected to the stern of the - of the Spoil Sport we hand over hand carried ourselves back to the dive - dive boat and concluded the dive.

During the course of that dive, from entering the water to exiting the water, did any other diver approach you seeking any help?•• No, Sir.

Within your vision, did a - a dive - any diver approach anyone within your party asking for help or suggesting that there was a problem or that a diver was in distress?•• No, Sir. Our dive group consisted of five people, as - as I believe [indistinct] before, my wife, myself, Mr and Mrs Snyder and another gentleman named Stewart. Our group of four had been diving together for well in excess of 20 years. We are a - a tightly knit team, we watch out for one another and we stay pretty close to one another. As Stewart being the - a new - a new member of the group and kind of unattached and having not his own buddy but grouping with us, he stayed quite close to us too. I believe that we - we encountered other divers on the chain to the surface. While we were hanging there, more divers joined us on the chain and there was some ahead of us, I believe, although that's - that's memory, but I believe that there were some other divers on the line with us at the end of the dive, but at no time did anyone approach us with any intent.

And that - that's the stern line that you're telling us about, isn't

it?.. That's at the end of the dive.....

Yes. All right?.. .....stern line.

All right?.. At - at the - at the safety - at the safety stop at the end of the dive.

Yes. Now, I think the next area that I'd like to talk to you just a little about is that you come back onto the deck of the Spoil Sport and as I understand it, that you became aware that there was an emergency situation after some time. Is - is that correct?.. Yes, Sir and it was not very long.

Mmm. Ultimately, I think, John, the emergency physician, went over to the Jazz II where Tina was?.. Correct.

And at some point in time, I understand that you saw Gabe and approached him?.. Would you repeat that, Sir.

At - at some stage after Gabe was returned, I think, to the Spoil Sport, my understanding is that Ken was speaking with Gabe on the dive deck and you indicate in your statement, this is at page 2 of your addendum, that you approached Gabe and I understand that there was then a conversation?.. Correct.

Can you tell us, please, as best you can in the first person, what you said to Gabe and what Gabe said to you, if you can just take us through that, please?.. Yes, Sir. You want - you want me to speak specifically as I have in my statement or shall.....

Yes, yes?.. .....I sanitise this for the Court?

No. Speak specifically, as best you can, in your own words, your recollections of the conversation?.. I - I came - we - I was on the dive deck - on the back dive deck, I encountered - I kind of got out of the way when the dive crew was bringing everyone on board. When I came up to Gabe and I asked what happened and he - he said - let me back up a little - a moment. When I was on the dive deck, I had gotten out of my gear. I was still in my - I was still in my wetsuit so it was very shortly after my dive. I saw - I saw some activity, I saw some commotion, I went over to the starboard side of the boat and I saw - I saw Gabe returning in the dinghy. He seemed to be quite distressed. So, then I got out of the way and kind of made myself scarce for a short time. When he got back on the boat, I asked what had happened. He said, "We were into the dive, everything seemed to be going fine. All of a sudden out of the blue, Tina panicked. She knocked loose my mask, she knocked loose my regulator. I" - "I managed to get my regulator back in my mouth and clear it. I managed to get my mask back on and clear it and I grabbed hold of her BC and she was too heavy and she started to sink and I tried to hold her up and she was too heavy and I lost my grip on her and she started to sink.", and I said, "Gabe, that's bullshit.", and he looked at me and - and - and I - he - and he looked at me funny, I said, "Gabe, underwater there's no sensation of weight. That's" - "that's not" - "that's" - "that's not right." I mean, I've carried a lot of things underwater, I've carried anchors and I've carried cement blocks and I've carried all kinds of things back to boats that I've found on the floor of the ocean and if you are in mid water, a heavy object will carry you downward rapidly but it has no sensation of weight. If your feet are on the bottom, if you're braced against a boat, if you are braced against something solid, you can feel the weight underwater which, however, is reduced because of the - because of the density of the water. Still there is - there is no sensation of heavy weight and she could not be too heavy.

Mmm?•• And then he said - and then so he quickly amended his story and said, "Well, I was really trying to lift her to the surface and I was trying to kick up [indistinct] and" - "and we weren't making any headway and she just felt all funny and I lost my grip." I said - I told him again, that that was bullshit and - you know, and I also felt it was ridiculous that a newly married man would let go of his wife underwater when he was built like a - a football player and she was built like a small cheer leader. I thought that was ridiculous and I was starting to get angry and at that point in time Ken separated me and said, "Doug, this is not appropriate."

Mmm. All right?•• "Enough."

Now, obviously you formed a view about the version of events that Gabe had just told you?•• Yes, Sir.

And I take it you formed a - a view or formed an opinion from your position as a qualified dive master and also a diver with many, many hundreds of logged dives as of this date?•• Yes, Sir.

What was it about Gabe told you, that didn't sit comfortably with you?•• In general or for that exact moment in time?

In general and for that exact moment in time. Take us - take us through what was of concern to you?•• Well, first let me say that I don't think any of us, at least for me, I can't say exactly what happened underwater. I don't know what happened. I - I do not know the sequence of events that actually happened. I can tell you that I have heard.....

I don't think we need.....?•• .....two versions of the story in short - in short sequence from Gabe. I have read two others - versions of that story in publications and - and I have heard as a third party a version of the story that was supposed to have been given to Tina's father. Every single one of these has some serious flaws that any - any diver with any experience would tell you is - is.....

All right?•• .....faulty.

All right. Now.....?•• And so every version of the story I've heard is incorrect.

All right. Doctor, what I'd like you to do firstly though for me is to concentrate on what you were actually told by Gabe on the back deck of the Spoil Sport, leaving aside entirely for the moment any other versions you may have heard. Can you do that for me?•• Well, Sir, I - I can - I can repeat for you the statement that I just gave you but I think that the statement I gave you is fairly in tact.

All right. So, really what was concerning you more than anything else was the sensation of weight underwater, in terms of.....?•• True.

.....what he was saying. All right?•• True, now subsequently there are - there are some - there are some issues I have with this statement.

Yes?•• First of all at that point in time my initial thought was, it's ridiculous that - that - that she was too heavy and you couldn't hold on to her. In my opinion that is absolutely untrue. Secondly, it's - if he was holding onto her and she was not fighting him then she had to be unconscious because a panicked diver who would go for one's mask or go for one's air - someone else's air supply would not immediately become passive as long as they are conscious. A panicked diver has only two thoughts in mind; one, to get air from any other source other than her own source or two, to panic and in - in her panic to race to the surface. That - that - the definition of panic is an unfounded and unreasoning fear, an - a person in the grip of an unreasonable fear, an unreasoning fear will not stop, they will continue to claw at that person's mouthpiece until they get it in their own mouth or crawl up you all the way to the surface. Crawl over you, push you down do whatever they can to get themselves to the surface to be able to breath. A panicked diver does not become relaxed and passive in the water and so him - him having holding onto her and trying to lift her to the surface when she panicked is not - is not a result of a panicked diver, it's the result of an unconscious diver. And it just - it - the fact that an unconscious diver would be too heavy to hold underwater is ludicrous.

Mmm. Doctor, please continue?•• Well, that - that pretty much explains everything that I - that I was feeling and that I have ascertained from my conversation with Gabe on the dive deck.

All right. Can I take you then, please, to paragraph 3 - sorry, page 3?•• All right.

And it's the second last paragraph from the bottom; "During my training to receive the qualifications"?•• I have that.

Now, I take it there you're telling us about your PADI training to become a diver - sorry, a - a rescue diver, is that correct?•• That's where I get my information, yes sir.

Yes. Now, I'm very interested to know of the sort of training that people receive from PADI, and other organisations that we're able to find out about, when they're undertaking a rescue diver's course, can you briefly outline for me please what - what are the competencies that they seek to teach and assess people as part of that qualification?•• Sir it has been many years since I took that course•••••

Yes?•• ••••and to be able to list for you those - those qualifications and - and expectations would probably not be very accurate. But from just a memory of that you are taught how to assist a tired - conscious tired active diver, if that person is tired and needs some assistance in the water. You are taught how to carry and transport through the water an unconscious diver. You are taught to - how to give mouth to mouth air transfer to that person, obviously CPR is out of the question as there's no hard surface to do chest compressions, so that's not possible. But you can - you can do mouth to mouth while you are carrying the person back, you would have the person in somewhat of a headlock and you have everyone's - everyone's BC fully inflated. You then try and give the person a couple of rescue breathes, and carry them a little farther and bring it towards them again and carry them a little farther. You are taught how to remove a person from the water on a beach scenario. You are taught how to assist getting a person into a boat after a rescue scenario both by yourself and with assistance. You are taught how to do CPR on - on - on a hard surface once that hard surface is obtained. You are taught how to control another diver if it's possible underwater to turn them around by dropping below them and turning

them around underwater and controlling them so that they cannot make you a second victim. And you are taught that if that - if the diver is threatening your life that sometimes you need to back off a little bit and - and let them struggle until they - until they wear themselves out and then you don't turn yourself into a second victim.

When is it permissible to abandon or leave your buddy?•• Frankly I don't find it ever, ever okay to leave your buddy. You are and they are your responsibility underwater. I guess the only time you would do that is if the diver is dead, if the diver is trapped and cannot be extricated by yourself in a - in - in an over - in an overhead environment where that patient - that person cannot be retrieved by yourself and you need assistance to pull that person out of a hole or out of a wreck. If that - again, if that person has expired or is unconscious and you can't bring them to the - and there's no sense staying down. If you are about to run out of air yourself and there is no air left in your BC then I guess it would be permissible to return to the surface. If it was my wife I would not have returned to the surface without her regardless of whether or not I had air.

Mmm. Tell me about the strategies that can be used if your buddy becomes panicked and starts exhibiting the flailing behaviour that you were talking to us about a little while ago?•• Well, numerous things could be done. First of all assuming that you have your regulator knocked loose as was - as was the apparent scenario here, obviously your first response is to get your own regulator back in your mouth. Now, I have had an out of air - I - I have participated in two rescues in - in my diving career. One of which was a no air situation and I just took my - I took my regulator out of my mouth, my - my primary regulator, and gave it to the other person involved and breathed out of my secondary - my secondary regulator, it was a very simple thing. When a patient - when a person is panicked and is coming for your air source the - they - basically there are only - let me - let me rephrase this. When - when someone is panicked and they're in an out of air situation they want your regulator. Their vision becomes essentially a tunnel vision in which case the only thing that they can see in the entire ocean is your mouth piece and they go for it. The hardest thing is let them have it. Use your secondary, if your have - and at this point you're in control. Once that person has air and is breathing normally they tend to relax and become un-panicked. And if they're still panicked and - and your air is not sufficient most panicked divers will abandon all air, hold their breath and head for the surface. So, that's usually what happens. If that person - so, giving them air is one way to control it. If you are - feel that you're - your own personal safety is - is in danger you can back away or most - most essentially you can descend. If you descend a few feet no panicked diver will ever descend. I've never ever heard of any - any - any incident - instance where a panicked diver will descend to come and get you. So, they - they advise that you drop down, if you drop down even two or three feet you can grab the patient - grab the - the other diver by both ankles, turn them around and physically walk up the back of them. Walk up - bring your hands up their legs and up the stack of their tank and once you grab control - once you get behind the diver you have absolute control over that diver. They cannot get to you, you can hold them at arms length, you can hold the yoke, all right, and - which is where the - the regulator attaches to the tank and that person cannot get to you and is absolutely helpless in your control. At that point in time you can inflate - you can - you can either drop their weight belt or you can inflate their - their BC or both. That person then becomes unable to stay down and starts towards the surface which is exactly what they want to do and as the - as the person in control from behind most of the time you can control the rate of ascent and make a safe ascent.



We're told that the floor, the ocean floor near the Yongala is about 30 metres, I think that might be about 100 feet?•• That's 100 feet.

Again, you talk about this in your statement, what would be the expected procedure for bringing a person up who is unconscious, for argument sake, on the ocean floor?-- Are you asking me what I would do if I found an unconscious diver on the - on the ocean floor?

That would be a good start?-- Thank you. I would ascertain whether that patient was unconscious and breathing, or unconscious and not breathing. If they were unconscious and breathing I would hold the regulator in the person's mouth, we would make a slow and controlled ascent to the surface assuming that patient were - excuse me, person was still - was still breathing. If that person was not breathing I would attempt to purge some air into their lungs from the regulator, I would inflate their BC, I would make a rapid but safe ascent to the surface. Sometimes you would probably make that ascent faster than you should, but just out of - out of excitement and out of adrenalin rush, but most of the time if that person was unconscious it would not do to have one unconscious and/or dead person and one person with an embolism or the bends. So I would probably come up at a controlled ascent rate.

And is that scenario covered for the advanced certificates like rescue diving?-- Yes, sir. Some - now again, I'm only familiar with PADI•••••

Yes?-- •••••and a lot - many times the - they tell you to drop the patient - the first - I say patient, I apologise because I'm•••••

No, that's all right, Doctor, we - we appreciate that diver and patient for you are intermingled when you're looking at recovering them?-- Yes, sir, they are. Anyway, often times they are - you always put air in a person's buoyancy compensator to help them rise. Sometimes in dropping the weight belt is recommended, but if you are getting a - a safe rate of ascent with adding air to the buoyancy compensator dropping the weight belt is unnecessary because once that weight belt is - is dropped we have no way to control the ascent and you could create either an air embolism in both yourself and the victim if you - if you do that. So dropping the weight belt is an option, but putting air in the buoyancy compensator is not. Air should be put in the buoyancy compensator. Again, it should be hopefully vented on the way to the surface so you don't become a ballistic missile on the way to the surface and you should make as rapid a controlled ascent as possible.

Doctor, thank you, that's all of the questions that I have for you, but if you'd stay on the line there are some other barristers who may wish to ask you questions. They'll introduce themselves to you before they do and then they'll ask you their questions.

CORONER: Mr Walters?

WITNESS: That's fine.

MR WALTERS: Thank you. Dr Milsap, my name is Harvey Walters and I'm representing Tina's parents, Mr and Mrs Thomas. I only have some very brief

questions for you. The principal one concerns this, Doctor, and I suppose there's quite a clear and logical reason why in your first statement you didn't include the conversations that you'd had with Gabe Watson on the - the boat where you - he gave you an account and you questioned him about that. Why wasn't that included in the first statement?-- During that first statement of October 22nd.....

Yes?-- .....please, if you will, try to realise the circumstances that were in - in progress. The Snyders and ourselves had made an extremely long trans-Pacific crossing.....

Yes?-- .....probably 20 to - 24 to 30 hours worth.

Yes?-- The Snyders arrived on Monday morning I believe and - or maybe even Tuesday morning, depending on the time shift. In any case, our flight from Los Angeles to Sydney was delayed overnight due to a - an aeroplane error, so in addition to the normal LA to - actually east coast time for - to Sydney, we put another 10 to 12 hours on our flight time. We were pretty much exhausted when we got there. We - we got to Townsville, we were put on a - on a boat, we went out, we had an exhausting wreck - an exhausting dive on the - on the wreck which although enjoyable was exhausting. We came up to find Tina had expired. We were all in some degree of shock.....

Yes?-- .....we were pretty much numb from the situation. We were then - pretty much with no sleep during the day because everyone was so upset concerning the circumstances.....

Yes?-- .....then we were taken back to Townsville. We were - 22 of us were pretty much herded like cattle to the - to the Sheriff's Department. A plain-clothes constable, a female I believe, asked me questions which I answered.

Yes?-- At that time the concern here was that this was nothing more than - than a horrible accident.

Yes?-- At the time again, I answered questions briefly. She - she asked a question I answered it. She asked another question I answered it. She at no time asked me to give my opinions on anything. Did I - she never asked me if anything was felt out of the ordinary. Quite frankly after my conversation with Gabe I - and I told Ken, "You know what, something's - something's wrong here. Somebody's lying."

Yes?-- "There's just something absolutely wrong with this scenario, whatever happened here." And quite frankly my friends made me feel like I was an uncaring and, you know, uncompassionate individual for - in this time of distress and sadness, to be saying that something didn't smell right.

Yes?-- And so I kind of dismissed that and I only answered the questions which I was asked.

As I thought, there'd be a logical reason for it. Doctor, you also, just prior to having your conversation with Gabe, had observed that Ken Snyder had been speaking with Gabe?-- I saw that he'd been speaking with Gabe.

Yes?-- Whatever conversation he had with Gabe I'm unaware with - unaware of.

Yes. And it's at that point that you ask Gabe, "What happened?", and he told you?-- Correct.

Okay. Thank you, Dr Milsap, I have no further questions.

CORONER: Thank you. We're just moving the microphone, Doctor, we won't be a moment?-- Okay.

Thank you, Mr Zillman, when you're ready.

MR ZILLMAN: Zillman's my name, Mr Milsap, I appear for Gabe Watson?-- Okay.

Just on those last few issues that you were asked about concerning the failure to mention in your first statement the conversations, one of the - the matters you, I think, pointed to was that you were made to feel, as it were, somewhat bad by your companions for essentially doubting Gabe's story, was I correct in summarising it in that way?-- Yes, sir.

Who - who were the people who, as it were, you'd been speaking with who made you feel like that?-- Well, Mrs Snyder and - and mostly my wife. They're the mothering types and they were having - they were obviously trying to give Gabe strength and solace in this because at that point in time there was no indication of any foul play and therefore they were doing their best to console him and comfort him and when I was saying, "Something doesn't - something just doesn't smell right here", they were saying, "How can you feel like that in all this tragedy that you're" - and I said, "Well, that's just" - sir, I'm an analytical person by nature, that's what makes me a dentist. I pay attention to small details as a dentist. It's my make up, it's my nature and so when small things don't add up I pay attention and - and I'm sorry that my family didn't feel that I was being compassionate enough, but it just did not sound right to me.

All right. Well, what about on the other hand Ken. Did he, as it were, take your side?•• Well, at the time I don't believe that he felt - remember, when I had the conversation with Gabe, Ken was standing nearby and when I started to get into somewhat of a minor verbal confrontation with Gabe about his story, Ken kind of pulled me aside and said, "Doug, this is not - this is not the time for this." And later we - we discussed it to, you know, what we thought had happened but I'm not sure I understand your question, sir.

Well, on the say back from the wreck to Townsville?•• Hmm-mmm.

Did Ken ever suggest to you that, yes, it was a rather fishy story that Gabe was putting over and, in fact, tell you that in his opinion it was bullshit as well?•• I think as we were discussing it, he agreed with me that there were - that there were many discrepancies in the story. When I pointed out to him that - that there were discrepancies in the story, he listened to my explanation and he agreed.

Okay. Well, you, in fact, gave some evidence just before that you said to him someone was lying?•• And I have said that.

Yes. Now, the someone was Gabe, there's no-one else in mind, was there?•• Well, at the time - at that point in time?

Yes?•• That question was open.

Well, there'd only been one story and it was from - well, when I say one story, one author of any story and that was from Gabe, wasn't it?•• At that point what Gabe said to me was inaccurate in my opinion. However, there were - there were other events that unfolded that day and explanations that - that - that could have occurred, that we - we talked about it extensively both on the dive boat during the week we were at sea, we talked about this during the time we were in Australia further because we were - we were perplexed about what possibly could have happened and we examined it as thoroughly as we could being just recreational divers. We tried to understand as well as we could. We desperately for our own emotional needs, needed to understand what had happened down there.

Mr Milsap?•• We never did.

All I'm asking you is this. When you said to Ken, "Ken, someone's lying. The someone was a reference to Gabe, wasn't it." That's all I'm asking?•• At that point in time, I didn't know who was lying.

Well, who'd said anything about the incident beyond Gabe that was in question?•• Are you - are you asking me for my opinion on this, sir?

I'm only asking you, has someone else given a version beyond Gabe by that time?•• No-one else had given a version of what happened.

Right?•• We were - we were trying to - we were trying to ascertain - at that time - at that time there was no indication of foul play.

I understand?•• However-----

Listen?•• However - will you allow me to finish, sir.

Well, you're not seemingly on the same wave length here.

CORONER: Let him answer the question and put it to him once more.

WITNESS: I understand what you're asking and I think I can explain it if you will give me some latitude.

CORONER: Go ahead please?•• Okay. Gabe said that she was sinking underwater and any rational person would have put air in the BC to raise her, either herself or Gabe should have been air in her buoyancy compensator. If - if that air was on, she would have been able to fill that up, to fill up her BC so obviously at some point her air was turned off. We were told on the boat that when she was found on the bottom by Wade that the regulator was in her mouth and air was in her tank and functioning. All right. Now, the only way she could not have been able to put air in her BC was if the air was off on the bottom of the ocean but - but Gabe found her with air on there and I said, "You know, somebody's lying here. Either - either she went down with air - she went into the water with no air on and she sank directly to the bottom of the ocean and then - and then the air was not on when they found her on the bottom of the ocean or the air was turned off during the dive and then turned back on. That's the only way she could have had no air to put in her BC. However, the fact that

they, according to Gabe, went down underwater and were swimming along normally for a period of time prior to her having a panic attack discounted the fact that the air was off when she hit the water. So the air had to be on during her dive and off for some time during the dive and then back on - the bottom. So somebody's lying.

Well, the somebody from what you've just been telling us had to be either Gabe or Wade; is that right?•• Well, that would be true but-----

That's all I asked you before who the culprits were.

CORONER: Okay?•• That's fine.

MR ZILLMAN: Thank you?•• But it could not have - but my ascertainment - what I've ascertained and what I am trying to explain to you is before we understood that she had been underwater and diving normally for a short period of time, the further to walk, the air was off from the surface down to the bottom, that was a possibility that Wade was not telling the truth. However, the facts are that - the fact is that she was maintaining a normal dive profile for a short period of time during the dive. We did not find that out until afterwards, until after we were back on land and maybe not until we were in - in our deposition in Alabama. At the time I thought it was a possibility that she went into the water without her air on. When I found out that she - so at that point in time on the boat it was not clear to me whether someone who was lying was either Wade or Gabe but one of them was lying.

Thank you, Doctor?•• I'm not finished, sir. The fact that - the fact that she maintained a normal dive profile even for a matter of two or three minutes discounts the fact that her air was off at the surface and that cleans Wade of any - of any irregularity.

CORONER: Yes. I think that's a matter for me to decide. Thank you very much. Are there any further questions.

MR ZILLMAN: No.

CORONER: Are there any questions from you, Mr Tate?

MR TATE: No, no, your Honour.

CORONER: Thank you. Doctor, I-----?•• Sorry, sir-----

No, that's okay?•• [Indistinct].

Yes, that's me, I'm the Coroner?•• I thought I was still talking to Mr Zillman.

No, Mr Zillman has sat down. This is the difficulty we have when - when we do things by phone. We were hoping to do it rather by video so you can see us and we can see you and the other issue that happens during these matters, Doctor, is we have a - a time lapse with - with people hearing the full questions and sometimes we've had people speaking over each other and there's been a bit of confusion. I just want you to understand we're very appreciative of what you say and - and thank you for your time here today. I'm not being critical of you when I was asking - mentioning those matters because you had explained it, I thought, quite clearly on two occasions and thank you for clarifying that?•• Okay.

I'm not critical of you - your evidence in any fashion. I want to thank you